IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL.

Writ Petition No. 991 (S/S) of 2006

Smt. Prabha Garg,
wife of Sri Girdhar Gopal Gupta,
serving as Supply Inspector,
Diowala Block,
Dehradun. **……Petitioner**

V e r s u s

1. State of Uttaranchal through Secretary, Food and Civil Supplies, Government of Uttaranchal, Dehradun.
2. Commissioner, Food and Civil Supply, State of Uttaranchal, Dehradun.
3. District Magistrate, Dehradun.

…….Respondents

Hon'ble M.M. Ghildiyal, J.

Heard Sri Manoj Tiwari, learned counsel for the petitioner and learned standing counsel for the respondents.

By means of this writ petition, the petitioner has prayed for the following reliefs:

(a) issue a writ, order or direction in the nature of Certiorari for quashing the impugned order dated 10.07.2006 passed by respondent no. 2 (Annexure No. 5 to the writ petition) so far as it relates to the petitioner.

(b) to issue any other writ, or direction, which this Hon'ble Court may deem fit and proper in the circumstance of the case.

(c) *Award costs of the petition in favour of the petitioner.*

The submission of the petitioner is that petitioner, who is working as Supply Inspector, has been transferred from District – Dehradun to District – Tehri by respondent no. 2 vide order dated 10.07.2006.

Learned counsel for the petitioner has challenged the transfer order on various grounds. First, she has gone through angiography on 27.12.2004 and still going on under treatment at Dehradun. Husband of the petitioner is also employee of UPCL and is also suffering from diabetes. Second, the respondents have not followed the guidelines dated 27.06.2006 issued by the State of Uttaranchal. No options were invited by the respondents for transfer. Further, persons who have been staying for period more than the period of petitioner have not been transferred.

During the course of argument learned counsel for the petitioner has confined his prayer that he may be permitted to make representation before respondent no. 2 and respondent no. 2 may be directed to decide the same within a particular period.

The prayer is innocuous. Without going into the merit of the case, I deem it fit and proper to direct the petitioner to make representation, raising all his grievances, before respondent no. 2 i.e. Commissioner, Food and Civil Supplies Department, Uttaranchal within a period of ten days from today and respondent no. 2 i.e. Commissioner, Food and Civil Supplies Department,

Uttaranchal shall decide the representation of the petitioner sympathetically with speaking order within a period of ten days from the date of production of certified copy of this order along with representation.

With this direction, the writ petition is finally disposed. No order as to costs.

(M.M. Ghildiyal, J)

July 20, 2006
SKSharma